

## **RULES AND PUBLIC POLICY COMMITTEE**

**DATE:** November 11, 2008

**CALLED TO ORDER:** 5:31 p.m.

**ADJOURNED:** 6:47 p.m.

### **ATTENDANCE**

#### ATTENDING MEMBERS

Robert Lutz, Chairman  
Bob Cockrum  
Ed Coleman  
Monroe Gray  
Angela Mansfield  
Lincoln Plowman  
Joanne Sanders  
Mike Speedy

#### ABSENT MEMBERS

### **AGENDA**

PROPOSAL NO. 142, 2008 - provides for the registration with the city controller of lobbyists and lobbying activity with respect to the City and County  
"Postpone" until December 16, 2008

Vote: 8-0

PROPOSAL NO. 436, 2008 - extends the deadline for the adoption of the annual budget ordinances for fiscal year 2009 until November 17, 2008  
"Strike"

Vote: 8-0

PROPOSAL NO. 462, 2008 - amends the Code to provide for the effective conservation of water furnished by the department of waterworks  
"Amended and Tabled"

Vote: 8-0

Reports from the Investigative Committee on Ethics – Co-Chairs Ginny Cain and William Oliver  
"Accepted"

Vote: 7-0-1

PROPOSAL NO. 469, 2008 - censures Councillor Monroe Gray  
"Tabled"

Vote: 7-0-1

PROPOSAL NO. 470, 2008 - amends City-County Council Resolution No. 80, 2007, regarding the membership of the Council's Investigative Committee  
"Strike"

Vote: 8-0

## **RULES AND PUBLIC POLICY COMMITTEE**

The Rules and Public Policy Committee of the City-County Council met on Tuesday, November 11, 2008. Chairman Robert Lutz called the meeting to order at 5:31 p.m. with the following members present: Bob Cockrum, Ed Coleman, Angela Mansfield, Lincoln Plowman, Joanne Sanders and Mike Speedy. Monroe Gray arrived shortly thereafter. General Counsel Robert Elrod represented Council staff. Councillors Ginny Cain, William Oliver and Marilyn Pfisterer were also in attendance.

Chairman Lutz expressed his gratitude to all veterans who have served in any branch of the armed services. He asked all committee members to introduce themselves and identify which districts they represent.

Councillor Speedy introduced his cousin Trent Perkins, who is in attendance this evening to fulfill a school requirement.

[Clerk's Note: Councillor Gray arrived at 5:32 p.m. ]

PROPOSAL NO. 142, 2008 - provides for the registration with the city controller of lobbyists and lobbying activity with respect to the City and County

Councillor Plowman moved, seconded by Councillor Sanders, to "Postpone" Proposal No. 142, 2008 until December 16, 2008. The motion carried by a vote of 8-0.

PROPOSAL NO. 436, 2008 - extends the deadline for the adoption of the annual budget ordinances for fiscal year 2009 until November 17, 2008

Councillor Sanders moved, seconded by Councillor Cockrum, to "Strike" Proposal No. 436, 2008. The motion carried by a vote of 8-0.

PROPOSAL NO. 462, 2008 - amends the Code to provide for the effective conservation of water furnished by the department of waterworks

Councillor Sanders moved, seconded by Councillor Mansfield, to "Amend" Proposal No. 462, 2008 as per Exhibit A. Councillor Sanders said that there was some discussion about whose authority it would be to designate a warning, and the conclusion was that the Mayor's Office would be the best authority, as they also issue other local warnings, such as snow advisories. She said that the current mayor is in agreement with accepting that authority within his office and has agreed to work with Waterworks staff to determine when an advisory would be needed. The motion to "Amend" Proposal No. 462, 2008 as per Exhibit A carried by a vote of 8-0.

Chairman Lutz said that he is supportive of the goals of this ordinance but still has some issues that cause him concern with regard to enforcement. He said that City Legal has some of the same concerns, and he would like to see the proposal tabled until those issues can be resolved.

Councillor Mansfield asked what those issues are. Chairman Lutz stated that there are still some questions as to who would enforce an advisory, whether it would be inspectors from the Department of Public Works, firefighters, or others. He said that there does not seem to be a clear handle on who will be responsible for enforcement, and it does not make sense to pass an ordinance that is not enforceable. He said that he feels it is not critical to act on the proposal this evening, as the winter months are beginning and the shortage on water occurs during summer months. Chairman Lutz stated that it is important that they move forward and act on this matter before it becomes a critical issue, but he would like to see some of these questions answered first.

Councillor Cockrum said that one suggestion he has received is that once a warning advisory has been issued, perhaps there is a way to adjust the costs or fees to those using too much water, and reduce rates for those conserving more water. He said that this might help with the problem of enforcement. Chairman Lutz said that this scenario would require a rate change, and would warrant going through the Indiana Utilities Regulatory Commission (IURC), which process would take more than a year. Jo Lynn Garing, director of communications for the Department of Waterworks (DOW), confirmed that such a process would take 18 months. Councillor Mansfield added that this approach might also penalize some citizens who are conscious all the time about conserving water, because their water usage would not diminish.

Councillor Plowman said that he believes they should look at some of these issues more closely, and since the dry season is past, they should take their time to do so. He added that he also has some further concerns about exemptions and other wording.

Councillor Plowman moved, seconded by Councillor Sanders, to "Table" Proposal No. 462, 2008 until some of those issues can be worked out. The motion carried by a vote of 8-0.

Reports from the Investigative Committee on Ethics – Co-Chairs Ginny Cain and William Oliver

Chairman Lutz stated that receiving such reports is a new venture for him as chair, and he said that he will rely on General Counsel Robert Elrod for some guidance on how to proceed. He read from Council Resolution No. 80, 2007, specifically Section 3, which outlines the charge of the committee:

“SECTION 3. The purpose of the investigation to be conducted by the committee is to determine if the public allegations against Councillor Monroe Gray are true and whether such conduct warrants censure by the Council, and further the committee should make such recommendations for change, to the Rules and Public Policy Committee in the Code of Ethics or other procedures as may be appropriate to assure that Councillors are held to the highest ethical standards. The Rules and Public Policy Committee will, after considering the report of the committee, report on such findings to the Committee of the Whole.”

Chairman Lutz said that it seems the reports are to be submitted to this committee, but with the creation of a new standing Ethics Committee, he is not sure if the rest of the charge still applies. He said that while the Ethics Committee seems the more appropriate place for this discussion, he does not want to pass on unfinished business to a new committee and wants them to be able to start with a clean slate.

Mr. Elrod said that since one of the reports from the committee was not available until recently and this is the first time he has seen it this evening, perhaps the proper position would be for this committee to receive the reports and then take time to review them and take action at the next meeting. Chairman Lutz asked if the reports should be read into the record. Mr. Elrod said that they could read them into the record or allow each member to read at their leisure, whichever the committee feels is best. Chairman Lutz said that he really wants to put this issue behind and move forward.

Councillor Mansfield said that since one of the reports has already been read into record at a previous committee hearing of the Investigative Committee, perhaps the other report could be read into the record at this meeting, and there could be discussion about which way to proceed. She said that she agrees this issue has been beaten to death and the committee needs to address it and move on. She added that she feels it would be appropriate to read the new report into the record.

Councillor Speedy stated that he only has one report in front of him, and it is the one drafted by Councillor Cain that was submitted quite a while ago. He said that he has not seen the second report and asked if copies are available for all members. Councillor Sanders provided copies of the report from the Democratic members of the Investigative Committee to committee members.

Chairman Lutz stated that if one of the reports is read into the record, he feels they both should be read. Even though one has been available for some time and was previously read into the record, it was not before this committee. Mr. Elrod agreed and said that after considering these reports, the committee would then need to provide a report to the Committee of the Whole on such findings. He said that having not had time to review the reports in advance, it would be difficult for this committee to come to a conclusion about the findings this evening.

Councillor Cockrum recommended that they accept these two reports and give members a chance to read them, then come back and act on the matter at the next

meeting. He said that the second report seems rather lengthy, and members have not had sufficient time to review it. He moved to accept the reports and postpone the matter until the committee's next meeting.

Councillor Speedy seconded the motion and said that he feels it would be more efficient to allow members to read the reports and reflect on them before formulating a report of findings.

Councillor Plowman asked for clarification on the submission of the reports. One report indicates that it is a "Report of the Investigative Committee" submitted by Councillor Cain. The other clearly states that it is a report of the Democratic members of the Investigative Committee. Councillor Cain said that the first report was a draft that was intended to be worked into a final report of the committee, but they could not come to a consensus; and therefore, it ended up being a report of the Republican members of the committee.

Chairman Lutz said that this is an important issue, and he feels it needs to be addressed. He said that if Councillor Mansfield feels the new report should be read into the record, then he is agreeable to having both reports read into the record. Councillor Mansfield said that she thinks it is helpful to the public to read the reports into the record.

Chairman Lutz asked Councillor Cain to read the report from the Republican members of the Investigative Committee into the record. Councillor Cain read the report (attached as Exhibit B) into the record. Chairman Lutz asked Councillor Oliver to read the report from the Democratic members of the Investigative Committee into the record. Councillor Oliver read the report (attached as Exhibit C) into the record.

Chairman Lutz asked if it is up to the Rules and Public Policy Committee to dissolve the Investigative Committee. Mr. Elrod said that the charge of the Investigative Committee was to submit a report, and once this committee feels they have fulfilled that mission, it seems the committee would be dissolved.

Chairman Lutz stated that there is a motion and a second to accept the reports.

Councillor Plowman asked how the reports were achieved and who took part in their writing. Councillor Cain said that she worked with Mr. Elrod in drafting the report she submitted and then shared it with Councillor Pfisterer to incorporate more thoughts and changes. Then it was submitted to the committee for review and amendment, but only she and Councillor Pfisterer attended that meeting to review the report. The other members did receive a copy of the report, but did not offer any amendments or changes. Councillor Oliver stated that he wrote the Democratic report with the help of other committee and caucus members. He said that he felt the committee was close to reaching a conclusion in April or May, but then they reached an impasse and could not agree on the language, so they agreed to each submit a report. Councillor Cain said

that her report was intended to be a description of what transpired. The committee was charged to look at public allegations, which is the evidence that was used, and she personally handed out all of the public allegation articles. Her report was not intended to be a personal commentary on how she feels, as she did not feel that was what needed to be reported. After hearing the report from the Democratic members, it seems more of an editorial report and she can provide more from her perspective if the committee wishes.

Chairman Lutz agreed that there seems to be a lot of editorial comment in the Democratic report that is extraneous, but both reports will be received by the committee as written.

Councillor Sanders said that she apologized for the late submission of the report from the Democratic members, but she was newly appointed to the committee and had to get up-to-speed. She needed first to review the minutes from previous meetings, and that is the reason for the delay in submission of this report. She added that, while Councillor Cain had the assistance of Mr. Elrod, the Democratic members were not afforded the same legal support. She said that since Councillor Mansfield is a member of this committee and an attorney, she asked for her help in drafting the report, along with the input from Councillors Oliver and Bateman. Chairman Lutz asked why Councillor Sanders did not use the minority counsel on contract to help with the drafting. Councillor Sanders said that due to some of the allegations, they felt they could not use his services. She said that the Democratic committee members asked for counsel, but it never went any further than that.

Councillor Coleman said that it seems as though the report from the Democratic members is simply an airing of gripes and complaints and not actual findings. He asked if that is truly what the Democratic members want to submit as their official findings. Chairman Lutz said that the report is already on record, and although he agrees that maybe some of the report is not germane to the charge of the Investigative Committee, it is already on record. Councillor Sanders encouraged members to read through the minutes of the Ethics Board meeting and other exhibits attached to the report and that they read through the minutes from the Investigative Committee hearings, and they will see that the report is germane.

Councillor Plowman asked what the members need to do in relationship to these reports before the next meeting. Chairman Lutz said that he envisions that the Rules and Public Policy Committee will need to issue a report to the Committee of the Whole, and he will work to try and come up with a draft of such a report based on these reports. There are things in both reports that are similar and can be consolidated into one report, but then the committee will have to vote on what to adopt or recommend to the full Council and if any action is to be recommended. Mr. Elrod agreed and said that the members should look at the reports and decide if there is anything further that needs to be reported or acted on before forwarding to the full Council.

Councillor Mansfield said that this is good timing with the creation of the new Ethics Committee and hopefully helps members realize that Council members should not be setting judgment on each other, and partisanship should be taken out of the equation. She said that this is why the recommendations from the Democratic members suggests judges sitting on the ethics panel, for more objectivity. She said that she is uncomfortable with mandatory penalties as indicated in the first report, because there are differences of opinions, even among legal minds, and a Council member should not be penalized when they do not necessarily know that they are doing the wrong thing. She said that she, as an attorney, does not always agree with Mr. Elrod, as he does not always agree with other attorneys. The Ethics Board ruled differently on the matter, even though City Legal and the Council attorney interpreted the form in another way. She said that the committee needs to think about the far-reaching scope of some of these recommendations.

Chairman Lutz said that with the formation of the standing committee on ethics, that committee will be charged with making those types of recommendations. He added that he is hesitant to step on toes or undermine the authority of that committee and feels they should be given the authority to deal with those types of decisions. On the other hand, he does not feel their duties should be encumbered by a matter that has been ongoing for a long time, and he does not want to muddy their clean slate, but instead let them choose what issues to address. He said that he feels this committee simply needs to make a report on what took place and vote on whether to send it to Council or not. Chairman Lutz said that he does not want a report to voice personal opinions or feelings, but instead to be to the point and concise as to what took place.

Councillor Plowman asked if at the next meeting they will simply be voting on these reports and will not actually be hearing testimony or asking questions of Councillor Gray or committee members. Chairman Lutz said that he does not read that as this committee's charge. The Rules and Public Policy Committee is simply charged with taking the reports, considering them, and making a report to the Committee of the Whole as to findings.

Councillor Gray stated that no one who wrote this opinion consulted with him. Councillor Plowman asked to which opinion Councillor Gray is referring. Councillor Gray stated that he is referring to Councillor Cain's report. Councillor Plowman asked if the Democratic members consulted with him in writing their report. Councillor Gray said they did not, and opinions have been formulated about him without consulting him. He was not asked to address the committee or address the charges and was never asked for his input. Chairman Lutz stated that if Councillor Gray wishes to address the issue, he would be allowed the opportunity to do so. Councillor Gray stated that he would be more than willing to give his version of events and charges.

Councillor Oliver stated that most of the Investigative Committee's time was spent trying to define the parameters of what the committee was charged to do. He said that due to the chain of command and protocol, there were too many different opinions. He said

that they made a gallant attempt, but he is not sure the Council can investigate each other fairly without coming down along party lines. He said that there was a difference of how the members viewed allegations, and even in contacting the Ethics Board and Prosecutor, it seemed to be inconclusive as to what even the Prosecutor could disclose.

Chairman Lutz said that he does not mind receiving information or testimony from Councillor Gray, but feels that was instead the job of the Investigative Committee and he does not want to turn this committee process into a trial. He said that he does not believe that was the intent of Council Resolution No. 80, 2007.

Councillor Speedy asked if this committee is seeking to do the same as the Investigative Committee and pass along two reports to the full Council. Chairman Lutz said that he does not see how any good would come from doing such. Councillor Speedy asked what happens if this committee cannot come to a consensus and agree on a final report. Chairman Lutz said that he does not believe that will be an issue, as the makeup of this committee is different, and they do not have an even number of members.

Councillor Mansfield said that the charge for recommendations seems to be superceded by the formation of the Ethics Committee and she does not see the need for a lengthy report, but simply a summary and then referral of recommendations to the Ethics Committee.

Councillor Speedy asked if Chairman Lutz will entertain amendments to the report at the next meeting. Chairman Lutz replied in the affirmative. Councillor Speedy asked if there will then be just one report forwarded out of this committee. Chairman Lutz said that he believes it needs to be only one report.

Councillor Cockrum agreed and said that there are recommendations in both reports that would relate to the work of the new Ethics Committee and it is not the goal of this committee to address those specifics, but rather refer them to the proper committee.

Chairman Lutz said that the Election Investigative Committee put out a report with findings, and suggestions were solicited and it became a work in progress. He said that he is envisioning the same with this ethics investigation. However, he is still trying to weigh the directive of Section 3 of the original resolution in his mind over the due process lawyer in him that feels someone should be allowed the opportunity to be heard on a matter concerning themselves.

Councillor Speedy said that if there were no factual disputes in their findings, there would be no need for testimony. He said that any member of that committee could have asked for testimony at any time in order to dispute facts. Chairman Lutz agreed and said that since he was not present at those meetings, he does not know how the process worked.



Councillor Gray stated that his position has not changed from day one when it was brought to his attention that there was an error in his filing of the ethics form. He said he had sought prior input from the Council's attorney and City Legal, and was told because the contracts in question were non-city contracts, he did not have to disclose. He said that he had been filling out these forms for 29 of the 36 years he was on the fire department, and there was no intent to deceive. He said as soon as it was brought to his attention, he went to the Ethics Board for a ruling. He said that he then followed the board's recommendation and changed his form and was cleared, and he does not understand how the Investigative Committee can then come to the conclusion that he did something improper, when he sought counsel and then corrected it.

Councillor Cockrum asked if Councillor Gray filled out two forms, one as a member of the fire department and one as a Councillor. Councillor Gray said that he was only required to fill out one form for both positions.

Chairman Lutz asked Councillor Gray if he was the majority owner of Mid-Region Concrete at the time of this ethics form filing, who in turn had a contract with Trotter Construction. Councillor Gray responded in the affirmative. Chairman Lutz asked if Trotter Construction then had a contract with the water company or Indianapolis Public Schools (IPS). Councillor Mansfield said that their contract was with IPS. Councillor Cain said that their contract was with United Water. Councillor Gray said that Mid-Region had some contracts with United Water, but those contracts were after the ethics form was filed, and he reported it on the corrected form. Chairman Lutz asked if the contract in dispute was the one with IPS. Councillor Gray said that current contracts were not the problem, but there was a question about whether there was a relationship with anyone who had contracts with the city. He said that Trotter had previous contracts with the city, but not at that time. Chairman Lutz asked if Mid-Region did any work for Trotter on city contracts with either United Water or IPS. Councillor Gray said that they did not do any work with United Water, and they did some work for IPS for a school in Lawrence, but that was not a city contract. Chairman Lutz asked then if Mid-Region ever did work for Trotter while Trotter was doing work for the city. Councillor Gray answered in the negative.

The motion to accept the two reports carried by a vote of 7-0-1, with Councillor Gray abstaining.

PROPOSAL NO. 469, 2008 - censures Councillor Monroe Gray

PROPOSAL NO. 470, 2008 - amends City-County Council Resolution No. 80, 2007, regarding the membership of the Council's Investigative Committee

Chairman Lutz said that he would then entertain a motion to table or postpone Proposal Nos. 469 and 470, 2008 until after the next meeting when they have had time to review these reports.

Councillor Mansfield said that she believes Proposal No. 470, 2008 can be stricken, as once the reports are accepted, the committee's charge is completed and the committee should be dissolved. She moved, seconded by Councillor Coleman, to "Strike" Proposal No. 470, 2008.

Councillor Speedy said that one of the reports had a recommendation that the committee stay open until the entire matter was resolved. Chairman Lutz said that he is not sure it will ever be completely resolved in everyone's mind. If the Prosecutor's Office was to advise that they have taken no action, it could come back up again. Mr. Elrod said that he thinks the existence of this Investigative Committee is moot, because of the establishment of the standing Ethics Committee. Since this committee has accepted the reports, there is nothing left before the Investigative Committee, and they have completed their charge. Any further issues that might come up in the future would then be referred to the Ethics Committee.

Councillor Mansfield said that the only reason the original resolution got passed was because there was an even number of Democrats and Republicans to vote on the matter, and no one had a majority and it kept coming up over and over again and was becoming a stumbling block. She said that they ended up passing the resolution with the amendment for an even number of members from each party to promote objectivity. She said that there does not seem to be any reason to keep funneling things to a committee whose time has come and gone.

The motion to "Strike" Proposal No. 470, 2008 carried by a vote of 8-0.

Councillor Cockrum moved, seconded by Councillor Mansfield, to "Table" Proposal No. 469, 2008. The motion carried by a vote of 7-0-1, with Councillor Gray abstaining.

Chairman Lutz asked visitor Trent Perkins if he had any observations or comments from a public perspective. Mr. Perkins said that it was good to see law-making in action and he found the discussion interesting.

There being no further business, and upon motion duly made, the meeting was adjourned at 6:47 p.m.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Robert Lutz 10/8", written over a horizontal line.

Robert Lutz, Chairman

AMENDMENT  
*Proposal No. 462, 2008*

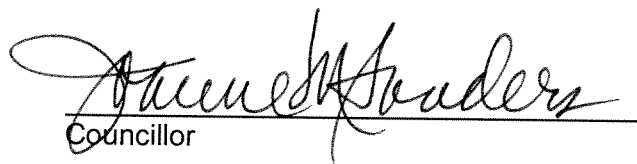
Mr. Chairman:

I move to amend Proposal No. 462, 2008, by the substitution of a NEW Section 706-104 for that which appears in the proposal, to read as follows:

**Sec. 706-104. Declaration and termination of need; notice.**

(a) Upon determining that the Indianapolis Water public water system is in a condition of water shortage, the mayor of the city may declare the existence of a water warning or water emergency, whereupon the respective water conservation measures described in Section 706-105 shall apply until the water warning or emergency is terminated. Whenever the mayor finds that some or all of the conditions that gave rise to the declaration of a water warning or water emergency no longer exist, he may declare the water warning or water emergency terminated.

(b) Notice of the declaration or termination of a water warning or water emergency shall be made by publication in a newspaper of general circulation. Notice shall be deemed effective upon publication.

  
Councillor

**REPORT OF INVESTIGATING COMMITTEE****Submitted by Ginny Cain****July, 2008**

This committee was established by City-County Council Resolution No. 80, 2007. The committee was directed by Section 3 of that resolution to review certain public allegations against Councillor Monroe Gray to determine (1) if the allegations are true, (2) whether such conduct warrants censure by the council, and (3) to make recommendations to assure Councillors are held to the highest ethical standards.

**THE ALLEGATIONS**

The committee has reviewed the public allegations and public documents. The committee directed correspondence to the Marion County Prosecuting Attorney, the Marion County Ethics Board, and the Supreme Council Disciplinary Commission inquiring about any pending actions respecting the allegations. The committee has held public hearings to discuss the allegations and responsibilities of the committee.

The committee has identified six issues raised by the allegations:

Allegation One: Was Monroe Gray paid a salary by the Indianapolis Fire Department but not assigned any duties in violation of the Ghost Employment Statute, IC 35-44-2-4?

Allegation Two: Did Monroe Gray violate the Conflict of Interest Statute, IC 35-44-1-3 by failing to file proper disclosures with respect to contracts by his company with United Water, a contractor with the City?

Allegation Three: Did Monroe Gray violate the Conflict of Interest Statute, IC 35-44-1-3 by failing to file proper disclosures with respect to his wife's interest in the bar in the Carson Center?

Allegation Four: Did Monroe Gray improperly continue to use the Council's General Counsel to rule on matters relating to his actions as Council President, while the General Counsel represented him and his business?

Allegation Five: Were items omitted or misstated on the 2006 ethics form filed by Councillor Gray with respect to his ownership interests in Mid-Region Concrete which did business with Trotter Construction?

Allegation Six: Did Monroe Gray mis-use his position as President, by voting on matters related to his personal interests, to delay investigation of the allegations against him?

directed to his personal interests, and by allowing his personal attorney to advise the Council on procedures relating to this personal interest and refusing, after being requested to do so, to seek independent counsel for the Council on such matters. The committee further finds that such conduct has adversely affected the public confidence in the Council. The Committee concludes that Monroe Gray should have abstained from voting on matters respecting resolutions dealing with his personal conduct. The Committee recommends that revisions to the Council Rules be considered that would make such abstentions mandatory.

The Committee finds that the facts as reported seem substantially true. Further investigation at this time would be costly without producing substantial information that would be helpful to the committee.

### CENSURE

Because Allegations One, Two, Three and Four are subject to actions by other officials, the Committee recommends that the consideration of censure on these allegations be postponed until those actions are known.

Because the Ethics Board did not recommend any disciplinary action with respect to Allegation Five after finding a violation, the Committee recommends that Councillor Gray be censured for filing a false ethics disclosure. Further, the committee recommends that amendments be incorporated in the new ethics code to create mandatory penalties for making false statements on the disclosure forms.

Because the prior Council failed to act with respect to Allegation Six, prior to the expiration of the term of that Council, the Committee is confronted with the issue of whether or not it is appropriate for the current Council to deal with misconduct occurring during a prior Council's term. As stated in the previous finding in this report, the Committee has determined that Councillor Gray acted improperly in voting on matters of his personal interest, allowing his personal attorney to act as Parliamentarian, refusing to provide independent counsel when decisions involving his personal interests were being considered, and thereby delaying consideration of his conduct while serving as President of the Council. To maintain the integrity of the Council, those actions must be, and are hereby, condemned. Although Censure would be a proper sanction for such actions, the Committee determines that it would be inappropriate for the current councillors to now formally censure a councillor for actions taken during meetings of a prior Council.

REPORT OF DEMOCRATIC MEMBERS  
OF THE INVESTIGATIVE COMMITTEE  
TO THE RULES AND PUBLIC POLICY COMMITTEE

The Democratic Members of the Investigative Committee hereby make this Report to the Rules and Public Policy Committee pursuant to Council Resolution No. 80, 2007 and by motion of the Investigative Committee (the "Committee").

Council Resolution No. 80, 2007

The Resolution passed by the then existing Council in 2007 to investigate certain allegations regarding the Ethics Form submitted by Councillor Monroe Gray. (See copy of Resolution attached as Exhibit A). The Resolution passed only after an amendment was adopted to make the Committee bi-partisan to ensure a fair review of the matter. Co-chairs were appointed by each party and were to consult each other regarding scheduling and reporting procedures. Unfortunately, one of the co-chairs proceeded to convene the July meeting of the Committee, even though the other had made it clear through telephone messages that he would be absent and wanted the date to be changed. Additionally, the co-chair proceeded without establishing a quorum, reading into the record a report prepared by her and, presumably, the Counsel to the Council. No input was solicited from Democratic members of the Committee.

Such conduct and the resulting report did not meet the requirements or the spirit of the Resolution. At best, the conduct was disrespectful to the other co-chair, resulting in a complete breakdown of communication among committee members. At worst, it was, in and of itself, a form of behavior that falls short of the "...highest ethical standards..." referenced in Section 3 of the resolution.

We reference here also that in the May 1, 2008 minutes of the Committee, Mr. Elrod specified that the scope of the investigation was found in Section 3 of the Resolution.

Ethics Form Allegation

The Committee did not subpoena witnesses and did not hear any direct testimony regarding this matter nor was any other evidence reviewed by the Committee. The meetings of the Committee consisted of discussion among the members of the Committee and the Council's attorney. On May 1, 2008, the Committee discussed Councillor Gray's ethics form and the City of Indianapolis – Marion County Ethics Board's (the "Ethics Board") decision. According to the minutes of that meeting, Councillor Virginia Cain stated that she "...believes that has also been adequately dealt with...". (See Investigative Committee on Ethics, Committee Minutes, May 1, 2008, Page 1.) Although this statement was the consensus of the Committee members, we, the Democratic Members of the Committee, expand upon this statement, based on the Ethics Board meeting minutes. (See copy of Ethics Board meeting minutes, April 13, 2007, attached as Exhibit B.)

On April 13, 2007, the Ethics Board held a meeting and the only item on their agenda was the request made by Councillor Gray to determine if the 2006 ethics form he submitted was in compliance with the city's ordinance. We reiterate, the Ethics Board was not convened because of a complaint, but rather because of a request from Councillor Gray in an effort to assure compliance. Councillor Gray stated that prior to

submitting his ethics form, he obtained advice from the then Council attorney as to whether he was required to report that he was the majority owner of Mid-Region Concrete. Said company did not have any direct involvement with the city but was involved in a project as a subcontractor for Trotter Construction for Indianapolis Public Schools. Trotter Construction did work for the city but Mid-Region Concrete was not involved in any of those contracts. Mid Region did not receive any compensation from city-county tax dollars. At that time, the council attorney advised him that he did not need to disclose this because he did not benefit from any contracts with the city.

The Ethics Board discussed the confusion as to whether or not Councillor Gray should have disclosed this. The Ethics Board noted that he did not directly benefit from any city contracts, nor did he vote on any contracts awarded to Trotter Construction. The Ethics Board noted that the council attorney stated that he advised Councillor Gray that he did not need to disclose this. The Ethics Board, although acknowledging the form's confusion, did find that technically, due to the form's language, Councillor Gray should have disclosed this and required him to submit a form indicating this. In other words, the consequence the Ethics Board chose to impose was a revised filing of the 2006 Ethics form. Councillor Gray proceeded to abide by the Board's finding and filed a revised report.

Based on the Ethics Board minutes, the board did not appear to believe that Councillor Gray tried to hide anything, but that it was a difference of interpretation of what the form was requiring. The Ethics Board also noted that no complaint was filed regarding this matter and that Councillor Gray himself requested the Ethics Board to review this.

As the Committee stated during the May 1 meeting, it is our opinion that the Ethics Board adequately addressed the Ethics Form Allegation and, no further action is required, including censure. Censure is inappropriate because the matter occurred outside of council meetings and, based on the Ethics Board determination, the matter is moot. It should be noted that although the minutes of the Ethics Board are referenced in discussions of the Committee, said minutes were not attached to the Committee's meeting minutes nor does it appear that all Committee members had access to copies of the Ethics Board Minutes. As the Committee was charged with determining the truth of allegations, this raises the question: What means were used to weigh the truth? It was established early on that no witnesses were deposed nor testimony taken as part of the search for truth.

#### Extraneous Allegations

During some of the Committee meetings, the Republican co-chair attempted to introduce additional unsubstantiated allegations (without testimony or evidence), which not only violated the charge of the Committee and was outside the authority of the Resolution given to the Committee, but also illustrated what might be construed as personal agendas that fall short of the "...highest ethical standards..." referenced in Section 3 of the Resolution. This Report will not address these unsubstantiated allegations other than to comment that these allegations are beyond the authority of the Committee and the Council, and should be appropriately addressed by other parties such as the Marion County Prosecutor. It should be noted that no action has been taken by the Prosecutor in the more than eighteen months that have passed since the April 13, 2007

review of Councillor Gray's request by the Ethics Commission, and since the various newspaper articles were posted. It should be further noted that no action by the Prosecutor has followed since the inquiry made by President Cockrum at the request of the Committee, nearly eight months ago.

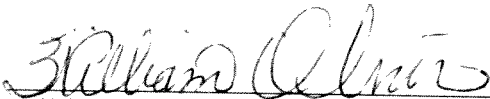
#### Recommendations

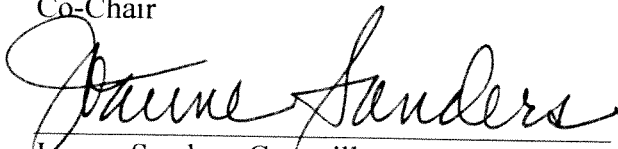
Subsequent to the passage of this Resolution, a number of changes have been made to the city-county's ethics ordinances including the establishment of a new standing committee under Council rules, to be called the Ethics Committee.

The conduct of the current Investigative Committee raises the question: Can Council members investigate their colleagues objectively and without partisan overtones? Therefore, the Democratic Members of this Committee recommend the following:

1. An ordinance to establish a board to exclusively review an ethics allegation against a councilor. The board shall consist of:
  - a. Two (2) retired judges – one appointed by the majority and one by the minority of the council
  - b. Two (2) law professors - one appointed by the majority and one by the minority of the council
  - c. Two (2) persons in business (corporations, LLC) practicing in the ethics decisions of such entity
  - d. One (1) representative of a respected non-profit organization or association (i.e., the Indianapolis Chamber of Commerce) as determined by that entity.
2. Since the Committee's authority to refer matters to other entities is not defined by the Resolution, we recommend that this Investigative Committee has met its obligation pursuant to the Resolution and should be dissolved, upon the action of the Rules and Public Policy Committee.

Respectfully submitted,

  
William Oliver, Councillor  
Co-Chair

  
Joanne Sanders, Councillor

Dated: November 11, 2008



CITY-COUNTY COUNCIL RESOLUTION NO. 80, 2007  
Proposal No. 182, 2007

Exhibit A

A COUNCIL RESOLUTION establishing a special committee to investigate certain alleged ethical violations by Councillor Monroe Gray and review the City-County Code of Ethics for any recommendations to be submitted to the Rules and Public Policy Committee for revisions to the Code of Ethics.

WHEREAS, elected public officials must represent the highest ethical standards; and

WHEREAS, certain articles in the Indianapolis Star have alleged that the Ethics Forms submitted by Councillor Gray were not properly completed and certain questions were incorrectly answered; and

WHEREAS, an editorial in the Indianapolis Star on January 31, 2007, took the most unprecedented position of imploring the Council to censure Councillor Gray; and

WHEREAS, allegations of ethical impropriety have undermined public perception and public confidence in the Council and its members; and

WHEREAS, it is the responsibility of the Council, as a body, to take adequate public action to restore public confidence in the Council; and

WHEREAS, proper concern for the public and professional reputation of Councillor Gray requires that the Council be certain as to facts constituting the allegations prior to taking action to censure; and

WHEREAS, the facts can best be determined by a Council Investigation Committee; now, therefore:

BE IT RESOLVED BY THE CITY-COUNCIL OF THE  
CITY OF INDIANAPOLIS AND MARION COUNTY:

SECTION 1. Pursuant to Sec. 151-33, of the Revised Code of the Consolidated City and County, an Investigating Committee is hereby formed.

SECTION 2. The membership of the committee shall be four members of the Council, two members appointed by the minority caucus, as the Republican Caucus representatives, one of whom is a co-chair, and two members appointed by the majority caucus, as the Democratic Caucus representatives, one of whom is a co-chair.

SECTION 3. The purpose of the investigation to be conducted by the committee is to determine if the public allegations against Councillor Monroe Gray are true and whether such conduct warrants censure by the Council, and further the committee should make such recommendations for change, to the Rules and Public Policy Committee in the Code of Ethics or other procedures as may be appropriate to assure that Councillors are held to the highest ethical standards. The Rules and Public Policy Committee will, after considering the report of the committee, report on such findings to the Committee of the Whole.

SECTION 4. The Committee is hereby granted the power to subpoena witnesses and documents and the Clerk of the Council is directed to employ and pay such attorneys, investigators or other staff as selected by committee as appropriate to insure a thorough investigation.

SECTION 5. This resolution shall be in full force and effect upon adoption by the City-County Council.

The foregoing was passed by the City-County Council this 29th day of October, 2007, at 9:29 p.m.

ATTEST:

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Joanne Sanders  
Vice-President, City-County Council

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Jean Ann Milharcic  
Clerk, City-County Council

CITY OF INDIANAPOLIS

I, Jean Ann Milharcic, Clerk of the City-County Council, Indianapolis, Marion County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Proposal No. 182, 2007, a Proposal for COUNCIL RESOLUTION, passed by the City-County Council on the 29th day of October, 2007, by a vote of 28 YEAS and 0 NAYS, and was retitled Council Resolution No. 80, 2007, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this 1st day of November, 2007.

Jean Ann Milharcic  
Clerk, City-County Council

(SEAL)

**Minutes of the Meeting of the  
City of Indianapolis-Marion County Board of Ethics**

Suite 1601, City-County Building  
200 E. Washington Street  
Indianapolis, IN 46204  
April 13, 2007

A meeting of the City of Indianapolis-Marion County Board of Ethics (Board) was held in Room 260, City-County Building, 200 E. Washington Street, Indianapolis, IN on April 13, 2007 at 1:00 p.m.

The following Board members were present: Janet Madden Charles, Chairperson; ~~Debbie~~ <sup>Deborah</sup> Bonnet; Dan Ladendorf; Olga Villa Parra; and Kobi Wright, Corporation Counsel and Secretary to the Board. Board member Paul Morgan was present at the beginning of the meeting, but left after a brief remark. Also present was Monroe Gray, Jr., President of the City-County Council; Aaron Haith, counsel to the City-County Council; and Ellen Gabovitch, counsel to the Board.

The meeting was called to order by Chairperson Charles for the purpose of considering a request submitted by Mr. Gray. Mr. Morgan recused himself from participation because he had made a contribution to Mr. Gray's campaign in October 2003.

Mr. Wright read Mr. Gray's request (attached to these minutes as Exhibit A) to the Board. He told the Board that he had confirmed with Mr. Haith that the reference in the letter to Sec. 293-105 (e) of the Revised Code of the Consolidated City and County (Code) should instead be a reference to Sec. 293-104 (e). Mr. Wright reported to the Board about the opinion he had expressed when questioned about this issue by local media outlets.

He said that he has a running practice when asked by someone completing the Board's "Statement of Economic Interest" (Statement) whether he/she should disclose something on the form to respond that "if you have to ask, you should disclose it." He tells those that ask that there is no reason not to "over disclose". He further stated that in this particular case, he had told the media that he did not believe that Mr. Gray was required to disclose the business relationship at issue here for several reasons. Initially, this is a matter of first impression. The ethics provisions of the Code look to whether an officer is benefiting with taxpayer dollars. The Indianapolis Public Schools (IPS) are not a part of City/County government, so Mr. Gray would not benefit with taxpayer dollars as a result of his relationship with Trotter Construction.

Mr. Wright also stated that he did not know how far the Board would want to go, if it required this type of relationship to be disclosed on the Statement. Would it extend to the second, third, or fourth tier subcontractors? Mr. Wright told the Board that his opinion was not binding on the Board, and that this was still an open question. He noted that the Office of Corporation Counsel had received a number of requests for guidance about this issue. Ms. Charles noted that she believed that Mr. Wright and his office reflected the Board's opinion generally—when in doubt, an officer or employee should disclose.

Ms. Villa Parra moved that the Board should consider Mr. Gray's request for an investigation. Ms. Bonnet seconded the motion which passed unanimously.

Ms. Charles asked Mr. Gray if he was available for questions and noted that the Board would also like to speak with Mr. Haith. She stated that she appreciated Mr. Gray's attendance at the meeting and his willingness to cooperate. There is a lot of confusion and this creates an opportunity to consider the Code and educate the public. For instance, the Code does not speak about taxpayer dollars only—the money could be private. She stated that she had three categories of questions to ask Mr. Gray: what is his relationship with Mid-Region Concrete; what is his relationship with Trotter Construction; and what was he told about what he had to disclose.

Ms. Charles reviewed the "Standards of Ethical Conduct" set out in the Code as well as the disclosure provisions. She noted that the purpose of these provisions is transparency, and that secrets erode the confidence of the public. The Board is supposed to liberally construe these provisions and to keep in mind what the public expects. Ms. Charles stated that it was her hope to not spend time parsing the words of the Code.

Mr. Gray stated that he is the majority owner of Mid-Region Concrete. Ms. Charles read the definition of "compensation" from the Code and asked whether Mid-Region received compensation. Mr. Gray responded in the affirmative and acknowledged that Mid-Region was paid for the work it performed. Ms. Charles stated that the Statement required disclosure "to the best of your knowledge". It does not require research. Ms. Charles asked Mr. Gray whether he had personal knowledge that Trotter Construction did business with the City. Mr. Gray responded that he knew that Trotter had business with the City, but that there was confusion. In response to Ms. Charles' question, Mr. Gray stated that he had consulted with Mr. Haith. Mr. Gray stated that there was confusion because this was not a City project. He has discussed the form and asked how far someone would have to go. He also discussed this with several other lawyers that he knows who said that he did not have to disclose this. Had he known he should report everything, it would have been less troublesome to do so and let the Board decide.

Ms. Charles read question number seven from the disclosure form: "Have you received any compensation from any business entity which, to the best of your knowledge, is doing or contemplates doing business with an agency of the City of Indianapolis or Marion County during your term of office or employment with an agency of the City of Indianapolis or Marion County?" Mr. Wright noted that he agreed with Ms. Charles that this provision does not apply only to City work. Mr. Gray stated that he wondered how many people read the Code.

Ms. Bonnet asked Mr. Gray to describe the relationship between Mid-Region Concrete and the other businesses working on the IPS project. She noted that she had avoided reading newspaper articles about this issue and asked what is the allegation against Mr. Gray. Mr. Gray responded that as a result of a sequence of articles in the Indianapolis Star, he thought this issue should be brought to the Board. Ms. Bonnet asked whether there was an accusation of wrongdoing by Mr. Gray other than the newspaper articles, and he answered that there was not.

Mr. Ladendorf noted that the Board spends hours each year poring over these Statements. Checking for conflicts comes as second nature to lawyers. He knows how confusing the forms can be because he had to fill one out for many years as an employee. Mr. Ladendorf asked Mr. Gray whether at the time he filled out the form he knew that Trotter Construction was doing business with the City. Mr. Gray responded that he did, but that he thought this question on the form applied to City work. In answer to Mr. Ladendorf's question, Mr. Gray stated that he had consulted with legal counsel who said that he did not have to report this. Mr. Ladendorf asked whether Mr. Gray would agree with him now that this did not apply only to City work. Mr. Gray said that he agreed now, but that he had assumed something different at the time.

Ms. Villa Parra asked Mr. Gray to confirm that he was the principal owner of Mid-Region Concrete. Mr. Gray stated that many people have called him and did not understand what his relationship with the City had to do with Trotter Construction. Mr. Ladendorf responded that there is a perception that in your position there is a possibility of influence.

Ms. Charles stated that while lawyers have an affirmative duty with respect to checking for conflicts, she doesn't agree that is the case here in the sense that the question is asked "to the best of your knowledge". She thinks a person needs to have specific knowledge. That also goes to the issue of governability of this disclosure requirement. Ms. Charles stated that she would like the Board to talk about what the word "you" in question seven means with respect to who received compensation from Trotter Construction. Mr. Gray stated that checks were not made out to him; they were made out to Mid-Region Concrete. Those checks did not go directly into his pocket.

Mr. Ladendorf stated that he believed that a person could not hide behind his company. Mr. Gray noted that he did not try to hide that. Ms. Charles agreed, but thinks this is why there have been a lot of inquiries. Mr. Ladendorf stated that: "if it would not surprise you (if a business entity with which you are doing business is doing business with the City), maybe you should inquire".

Ms. Bonnet stated that she wanted to go down a different path. She asked Mr. Gray if any matters having to do with Trotter Construction have come before the City-County Council. Mr. Gray responded that Trotter's contracts are public works contracts that go before a board separate from the Council. The Council does not award contracts. Mr. Wright noted that an expansion of minority business enterprise goals could benefit Trotter. Mr. Ladendorf considered the definition of pecuniary interest. Mr. Gray stated that Councillors recuse themselves all the time, but he did not need to do so.

Ms. Villa Parra asked Mr. Gray why, besides confusion, he submitted the letter to the Board. Mr. Gray responded that he did so as a result of the articles written by Brendan O'Shaughnessy and the editorial board of the Indianapolis Star. Mr. Gray wanted to clear his name and to clarify that if there was a violation, it was unintentional. He thanked the Board, noting that this affected him and a lot of others. He stated that in the future, to be safe, he would put this on the form.

Ms. Charles asked Mr. Haith to come forward, noting that there did seem to have been some confusion. She asked him to relate the circumstances of his advice to Mr. Gray. Mr. Haith stated that he had not been familiar with Trotter Construction. He asked who had paid Mid-Region. He was fairly certain that he told Mr. Gray that because this compensation was through the School Board, and the School Board had nothing to do with the City of Indianapolis, he did not have to disclose. He is now advising those who ask to disclose to avoid attack. He did not believe a person was required to disclose, but was required to avoid self-dealing. He looked to canons governing lawyers for guidance. Mr. Haith stated that he believed that disclosure was not needed to meet the spirit of the Code.

Ms. Bonnet stated that she had not heard any allegation of harm. Mr. Haith stated that he gives general advice and may not have inquired deeply enough. Ms. Charles noted the level of confusion which she found surprising, yet genuine. She stated that there was misinformation out there. Ms. Villa Parra acknowledged that some people do not pay much attention to the Statement of Economic Interest. The harm, she stated, is to the trust people have in the City, and that cannot be measured.

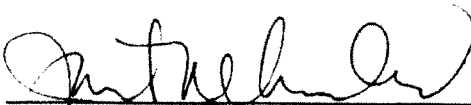
Ms. Bonnet stated that Mr. Gray erred in his answer to question seven. She said that she is convinced that it was an honest mistake and that there was no harm. We have a responsibility to educate, she said, and at a later time we should look at that. She noted that we might want to be more clear on the form. Mr. Ladendorf agreed that Mr. Gray had made a mistake and that he had admitted it. In retrospect, Mr. Haith said he should have asked more questions. Mr. Ladendorf said that he did not think that the Board has to find harm. Trust is immeasurable, he said. He stated that the way this came to the Board is unique. No complaint was filed, and Mr. Gray brought it to the Board himself. This is a larger issue than the ethics ordinance. Mr. Ladendorf stated that he believed that there was a technical violation of the Code.

Ms. Charles stated that the Board was in total consensus that Mr. Gray should have disclosed this relationship. She said she believed that the motion should reflect a lot of confusion—it was an honest mistake. Mr. Ladendorf moved that the Board find a technical violation of Sec. 293-106 (c) (7) of the Code in that Mr. Gray failed to disclose that he received compensation from Trotter Construction. Ms. Bonnet seconded the motion, which passed unanimously. The Board then discussed what should happen as a result.

Ms. Villa Parra stated that she believed that there was not intentionality. She believed Mr. Gray was sincere and honest. Mr. Ladendorf considered the Board's options set out in Sec. 293-104 (e) of the Code. Ms. Charles noted that the minutes of the meeting will be a public disclosure of the violation. Mr. Ladendorf stated that Mr. Gray could file an amended report as a resolution. He noted that the Board does not have the ability to take "disciplinary action" against an elected official. Ms. Villa Parra noted that the Board was not dealing with a complaint. She moved that the Board recommend that Mr. Gray file an amended Statement of Economic Interest for 2006, disclosing his association with Trotter Construction. Ms. Bonnet seconded the motion, which passed unanimously.

Ms. Charles stated that the Board needed to talk about getting the word out and possibly sending out the Code. Mr. Wright asked about how far he should go with regard to contractor relationships when giving guidance. Ms. Villa Parra stated that if a person knows about a relationship, it should be disclosed. Mr. Ladendorf noted that this will be fact specific and there is no bright line. He said that Mr. Wright might suggest that someone request an advisory opinion. Ms. Bonnet thought that maybe a list of "gray areas" should be made. She suggested examining the "readability" of the Statement. Ms. Charles suggested "beefing up" the instructions next year, in particular the instructions pertaining to question seven. Mr. Ladendorf thought it might be helpful to have an employee advisory committee.

The meeting was adjourned at 3:35 p.m.

  
\_\_\_\_\_  
Janet Madden Charles  
Chairperson



**THE COUNCIL  
CITY OF INDIANAPOLIS  
MARION COUNTY**

**MONROE GRAY, JR.**  
President

March 27, 2007

Janet Madden Charles  
Chair, Board of Ethics  
1601 City - County Building  
Indianapolis, IN 46204

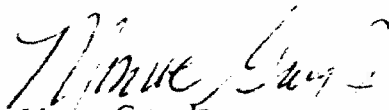
Dear Madam Chair:

Pursuant to Sec. 293-105(e) of the Revised Code, I hereby request that you rule as to any possible violation of the article that I may have committed respecting Mid Region Concrete, LLC's subcontract to perform work for the Indianapolis Public School Corporation. The allegations of such violation apparently stem from an editorial article that appeared in the Indianapolis Star on or about January 31, 2007.

Essentially, I am a principal of Mid Region which subcontracted through Schmidt & Associates (owner's representative), Powers & Sons Construction Company (construction manager) and Trotter Construction Company (general contractor) to perform work for IPS at two new school construction sites. The editorial, as best I can determine, alleges that I, as a Councillor, should have disclosed the contract on my annual Conflicts Statement and my failure to do so constitutes a violation of the Ethics Code. It seems that my violation was not to have disclosed the contract because Trotter Construction also does work with the City or County that is unrelated to their contract with Mid Region.

I am not sure and do not claim to know the answer, but, is a person in my position in violation because of the facts underlying this allegation? You may be certain that I will cooperate with your investigation. I feel that others may also benefit from your direction as to how extensive of an investigation any subcontractor must make of his or her principal's unrelated contracts or relationships in making individual disclosures.

Yours,

  
Monroe Gray, Jr.

Cc: Kobi Wright, Secretary

Exhibit A





**THE COUNCIL  
CITY OF INDIANAPOLIS  
MARION COUNTY**

To: Members of the Investigative Committee on Ethics

From: Virginia Cain, Co-Chair  
William Oliver, Co-Chair

Date: October 30, 2008

Re: Meeting Notice

There will be a meeting of the Investigative Committee on Ethics of the City-County Council on **Wednesday, November 5, 2008, at 5:30 p.m. in Room 224** of the City-County Building. It is anticipated that the following item may be considered by the Committee:

Review of Reports to be Submitted to Rules and  
Public Policy Committee

The Committee may consider any pending business in accordance with the Rules of the City-County Council.

Note: For special accommodations needed by persons with disabilities planning to attend please call 327-4347, or 327-5186 for the hearing impaired, at least forty-eight (48) hours prior to the meeting.

c: Robert G. Elrod  
Bob Cockrum  
Marilyn Pfisterer  
Joanne Sanders  
Monroe Gray

APRIL 13, 2007

NOTICE OF A MEETING  
CITY OF INDIANAPOLIS-MARION COUNTY BOARD OF ETHICS

I, Kobi M. Wright, Secretary of the City of Indianapolis-Marion County Board of Ethics, hereby give notice that a meeting of the Indianapolis-Marion County Board of Ethics has been called, to be held Friday, April 13, 2007, at 1:00 p.m., in Room 260, of the City-County Building.

Kobi M. Wright

For accommodations needed by persons with disabilities planning to attend, please call 327-4055.

**AGENDA**

**April 13, 2007**

**1:00 p.m.**

- Consideration of request submitted by Monroe Gray, Jr.



March 31, 2008

Bob Cockrum  
City County Council President  
6004 West Ralston Road  
Indianapolis, Indiana 46221-9678

Re: Councillor Gray Investigation

President Cockrum:

I write in response to your letter of March 28, 2008, in which you asked if our office is currently investigating Councillor Gray.

No investigation of Councillor Gray has been initiated since December 31, 2007. Moreover, after a thorough review of our records and discussions with our staff, I can confirm that there is no pending investigation of Councillor Gray.

For your benefit, I have enclosed copies of the April 13, 2007, minutes of the Board of Ethics, at which members of the Board discussed Councillor Gray's 2006 Statement of Economic Interest at some length. It appears it was the unanimous conclusion of the Board to recommend that Councillor Gray "file an amended Statement of Economic Interest for 2006 disclosing his association with Trotter Construction." We have no other records on that subject.

Furthermore, we have no records that the Board considered whether engagement of Mr. Haith by Councillor Gray constituted a conflict of interest.

Please let me know if you have any further questions or concerns. My direct line is 327-4087 and my e-mail address is [ccotteri@indygov.org](mailto:ccotteri@indygov.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Chris W. Cotterill", enclosed within a large, loopy oval.

Chris W. Cotterill  
Corporation Counsel

Enclosures

Office of Corporation Counsel

1601 City County Building | (317) 327-4055  
700 East Washington Street | (fax) 327-3968  
Indianapolis, Indiana 46204 | [indygov.org](http://indygov.org)